

Note:

- This enforcement bar applies to RCRA sites that are not excluded from the definition of brownfields but shields the site from CERCLA 106//107 liability, not RCRA liability.

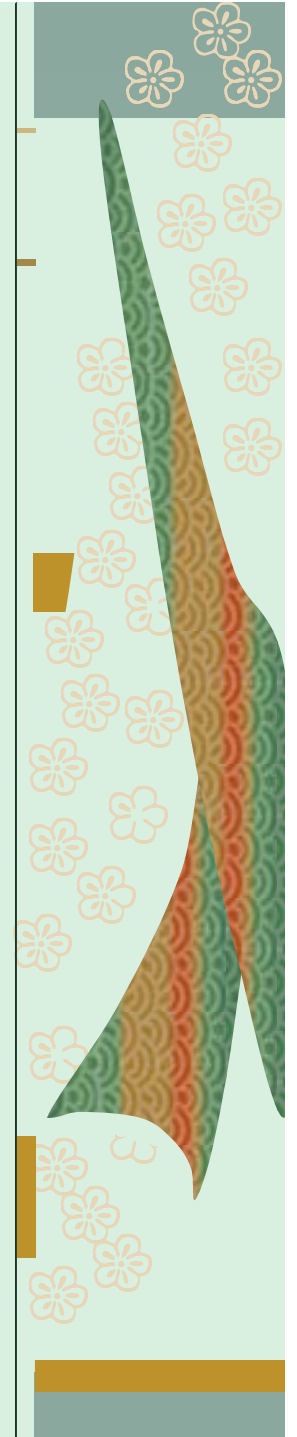


RCRA Completion Guidance

- Defines when a clean-up is completed
- Suggests a process for memorializing this decision

Two Types of Completion at RCRA Facilities

- **Corrective Action Complete Without Controls** - All cleanup activities at a facility are complete and the site is restored to unrestricted use.
- **Corrective Action Complete With Controls** - When a site has been restored to an industrial or other restricted use and controls (i.e., engineered or institutional) have been put in place to insure that protection of human health and the environment is achieved.

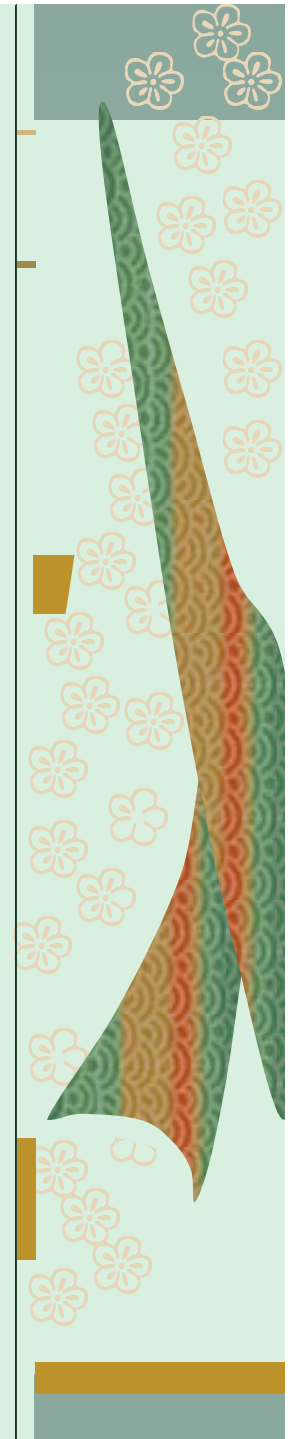


RCRA Completion Guidance

- Must achieve site specific cleanup standards;
- Controls, if any, must generally be enforceable through a permit, order, or other mechanism.
- Public Participation

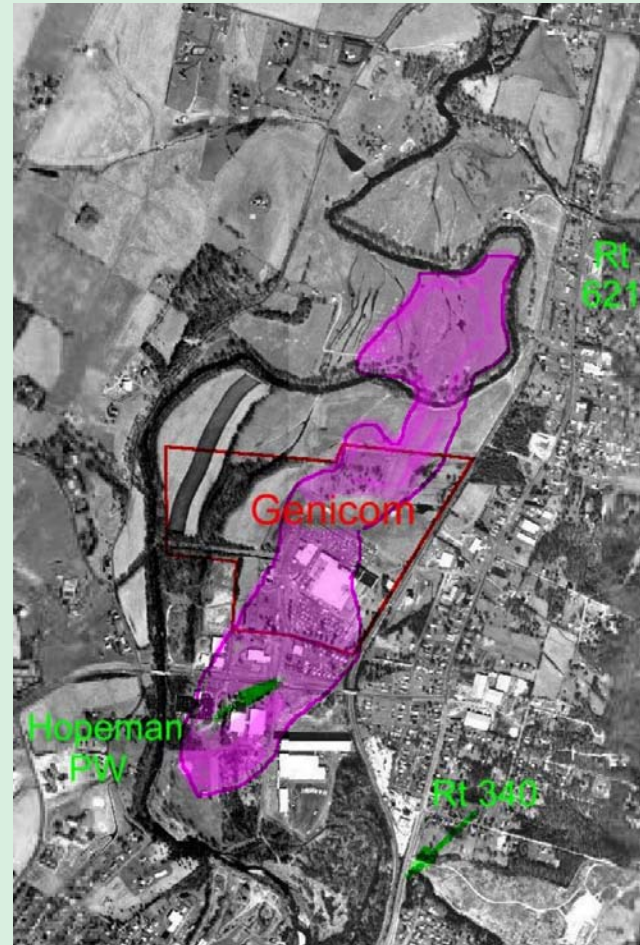
The Use of RCRA PPAs in Brownfields Redevelopment

- Prospective Purchaser Agreements (PPAs) (Covenants Not to Sue), while having an extensive history at Superfund sites, have been used only in limited circumstances at RCRA sites.
- Because RCRA does not provide independent authority to EPA to resolve liability issues, DOJ involvement and concurrence is required.



Examples of RCRA PPAs - Genicom

- EPA issued a Unilateral Administrative § 3008(h) Order against Genicom in 1990.
- Genicom filed for bankruptcy in March 2000.
- Solutions Way Management wanted to purchase the site for redevelopment for commercial and light manufacturing.
- Currently, there is a printing services company and a warehouse distribution center.



Genicom PPA



Genicom PPA

- The contamination at the site was caused by GE who was the previous owner of the site.
- GE remains liable for the cleanup of the site and is in the process of completing its corrective measures study.
- EPA entered into a PPA with Solutions Way Management in consideration of its commitment to maintain the cap for a SWMU at the site, maintain records at the Site, be responsible for Site security, and submit detailed work, sampling, and analytical plans to EPA in any instance where it proposes to develop the Site.

